

अतिक्रमणे—

शासकीय पड व गायरान जमिनीवर शेतीसाठी झालेली अतिक्रमणे नियमानुकूल करण्याबाबत.

महाराष्ट्र शासन

सहसूल व वन विभाग

शासन निर्णय क्र. एलइएन-१०९०/प्र.क्र. १७२/ज-१

मंत्रालय, मुंबई ४०० ०३२

दिनांक २८ नोव्हेंबर १९९१

- वाचावे:—**
- (१) शासन निर्णय, सहसूल व वन विभाग क्र. एलइएन-१०७८/३४८३/ग-१, दिनांक २७ डिसेंबर १९७८.
 - (२) शासन परिपत्रक, सहसूल व वन विभाग क्र. एलइएन-१०७९/१४८९/ग-१, दिनांक २७ जुलै, १९७९.
 - (३) शासन निर्णय, सहसूल व वन विभाग क्र. एलएनडी-२७७९/२७०९/ग-१, दिनांक १८ डिसेंबर १९७९ व
 - (४) शासन निर्णय, सहसूल व वन विभाग क्र. एलइएन-१०७९/२२९-ग-१, दिनांक १ फेब्रुवारी, १९८३.

शासन निर्णय

वर प्रस्तावित क्रमांक (१) येथे नमूद केलेल्या दिनांक २७ डिसेंबर, १९७८ च्या शासन निर्णयाप्रमाणे शासकीय पड, गायरान व वन जमिनीवर-शेतीसाठी झालेली व दिनांक ३१ मार्च, १९७८ रोजी अस्तित्वात असलेली अतिक्रमणे नियमानुकूल करण्याबाबतचे आदेश काढण्यात आले आहेत. दिनांक ३१ मार्च, १९७८ नंतरची अतिक्रमणे तात्काळ दूर करण्यात यावीत असे शासनाचे निदेश असता. सुमारे १,०८,९१५.५४ हेक्टर शासकीय पड व गायरान जमिनीवर ८४,२३० व्यक्तींनी दिनांक १ एप्रिल, १९७८ ते १४ एप्रिल, १९९० या काळामध्ये शेती प्रयोजनासाठी अतिक्रमणे केल्याचे शासनाच्या निदर्शनास आणण्यात आले आहे. (अतिक्रमणाबाबत शासनाकडे कळविलेल्या जिल्हानिहाय माहिती दर्शविणारा तक्ता सोबत परिशिष्ट "एक" येथे जोडला आहे.)

२. शासकीय पड आणि गायरान जमिनीवरील दिनांक १ एप्रिल, १९७८ ते १४ एप्रिल, १९९० या कालावधीमध्ये मागासवर्गीय आणि इतर व्यक्तींनी शेतीसाठी केलेली अतिक्रमणे नियमानुकूल करावीत- किंवा कसे हा प्रश्न शासनाच्या विचाराधीन होता. समाजातील गरीब घटकांना चरितार्थाचे साधन मिळावे या उद्देशाने संश्लेषितपूर्वक विचार करून शासकीय पड आणि गायरान जमिनीवरील दिनांक १ एप्रिल, १९७८ आणि १४ एप्रिल, १९९० या कालावधीमध्ये मागासवर्गीय आणि इतर भूमिहीन व्यक्तींची शेतीसाठी झालेली व दिनांक १४ एप्रिल, १९९० रोजी अस्तित्वात असलेली अतिक्रमणे महाराष्ट्र जमीन महसूल संहितेच्या (यापुढे "महसूल संहिता" असा उल्लेख करण्यात आलेला आहे) कलम ४० च्या आणि महाराष्ट्र जमीन महसूल (सरकारी जमिनीची विल्हेवाट करणे) नियम, १९७१ च्या (यापुढे "नियम" असा उल्लेख करण्यात आलेला आहे) नियम ४३ च्या तरतुदींमधील अर्देशात अंशतः बदल करून (पारशर मांडीफिकेशन) खालील शर्ती व अटीवर नियमानुकूल करण्याचा शासनाने धोरणात्मक निर्णय घेतला आहे:—

- (१) दिनांक १ एप्रिल, १९७८ आणि दिनांक १४ एप्रिल १९९० या कालावधीत झालेली व दिनांक १४ एप्रिल १९९० रोजी अस्तित्वात असलेली अतिक्रमणे नियमानुकूल करण्यात यावीत;
- (२) अतिक्रमण करणाऱ्या व्यक्तीचे नित्याचे वास्तव्याचे ठिकाण (युज्वल प्लेस ऑफ रेसीडन्स) नियमानुकूल करावयाच्या जमिनीच्या ८ कि. मी. च्या परिसरात असावे;
- (३) सदर कालावधीमध्ये अतिक्रमण करणाऱ्या व्यक्तीने अतिक्रमित केलेली जमीन किमान एक वर्ष तरी कंसली असली पाहिजे;
- (४) अतिक्रमण करणाऱ्या प्रत्येक व्यक्तीचे जास्तीत जास्त २ हेक्टर जिरायत जमीन एवढे अतिक्रमण नियमानुकूल करण्यात यावे;
- (५) अतिक्रमण करणाऱ्या व्यक्तीकडे त्यांनी धारण केलेली काही जिरायत जमीन असल्यास अशा व्यक्तीच्या बाबतीत २ हेक्टर क्षेत्र पूर्ण करण्यासाठी जेवढे क्षेत्र आवश्यक असेल तेवढेच जिरायत क्षेत्र नियमानुकूल करण्यात यावे;
- (६) अतिक्रमण करणाऱ्या व्यक्तीने अतिक्रमणाच्या संपूर्ण कालावधीतील आकारणी (असेसमेंट) आणि महसूल संहितेच्या कलम ५० च्या तरतुदींप्रमाणे दंड आकारलेला असल्यास तो भरणे आवश्यक राहील;
- (७) अतिक्रमण करणारी व्यक्ती जर मागासवर्गीय असेल तर जमिनीच्या आकारणीच्या ६ पटी इतकी आणि अमागासवर्गीय असेल तर आकारणीच्या २४ पटी इतकी कब्जेहक्काची रक्कम महाराष्ट्र जमीन महसूल (सरकारी जमिनीची विल्हेवाट करणे) नियम, १९७१ च्या तरतुदींप्रमाणे भरण्यास पात्र राहील;
- (८) अतिक्रमण करणारी व्यक्ती जमिनीच्या कृषिक वापराबाबत सर्वसाधारण (ऑर्डिनरी) कृषिक आकारणी भरण्यास पात्र राहील. शिवाय, सन १९७१ च्या सरकारी जमिनी वाटपाबाबतच्या नियमातील नियम ४३ (१) (अ) मधील क्र. (चार), (पाच) आणि (सहा), या शर्तीही अतिक्रमण करणाऱ्या व्यक्तीवर लादण्यात याव्यात;
- (९) या निर्णयाप्रमाणे नियमानुकूल करण्यात यावयाची अतिक्रमणे नियम ४३ (१) (अ) (चार), (पाच) आणि (सहा); यांमध्ये विहित केलेल्या शर्ती तसेच नेहमीच्या शर्ती व अटींना अधीन राहतील;

एच १८८२-१

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(१०) या निर्णयाप्रमाणे नियमानुकूल करावयाच्या अतिक्रमणाबाबत नियम ११(५) मध्ये विहित केलेली वार्षिक उत्पन्नाची मर्यादा आणि नियम १७ खाली विहित केलेली जमीन वाटपाबाबतची कार्यपद्धती शिथील करण्यात यावी; आणि

(११) जमीन प्रदानाचे आदेश आणि सनदा अतिक्रमण करणाऱ्या व्यक्तीच्या आणि त्याच्या पत्नीच्या (अविवाहित/विधूर विधवा व्यक्ती सोडून) नावाने शासन परिपत्रक, महसूल व वन विभाग, क्र. एलएनडी. १०८९/१०४४/८६-ज-१, दिनांक ७ मे, १९९० मध्ये दिलेल्या सूचनाप्रमाणे काढण्यात/दिण्यात यावेत.

३. खालील प्रकारची अतिक्रमणे कोणत्याही परिस्थितीत नियमानुकूल करण्यात येऊ नयेत :—

(अ) दिनांक १४ एप्रिल, १९९० नंतर झालेली अतिक्रमणे; आणि

(ब) इतर राज्यांतील अधिवास असलेल्या महाराष्ट्र राज्याच्या सीमालगतच्या भागात शेतीसाठी अतिक्रमण केलेल्या व्यक्ती

टीप.— राज्याच्या सीमालगतच्या भागातील अतिक्रमणे करणाऱ्या व्यक्ती म्हणजे ज्यांचे नाव गेल्या विधानसभा निवडणुकीच्या मतदार यादीत नाही अशा सीमा भागातील ज्या व्यक्ती जोपर्यंत अन्य प्रकारे सिद्ध करित नाहीत तो पर्यंत त्या व्यक्ती इतर राज्याच्या अधिवासी म्हणून मानण्यात याव्यात.

४. महानगर क्षेत्रातील जमिनी.—महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ चे कलम ३, पोट-कलम (१) अन्वये स्थापन करण्यात आलेल्या कोणत्याही महानगर प्रदेशातील कोणत्याही जमिनीवरील अतिक्रमणे राज्य शासनाच्या पूर्वमंजूरीशिवाय नियमानुकूल करण्यात येऊ नयेत.

५. गाथेरान जमिनी.—या आदेशाप्रमाणे नियमानुसार करावयाच्या गाथेरान जमिनीवरील अतिक्रमणे नियमानुकूल करण्यापूर्वी मुंबई ग्रामपंचायत अधिनियम, १९५८ च्या कलम ५१ खाली जिल्हाधिकाऱ्यांनी अशा जमिनी ग्रामपंचायतीकडून औपचारिकपणे पुनर्ग्रहण कराव्यात.

६. तुकडा (फ्लॅमॅन्ड्स).—या शासन निर्णयाप्रमाणे जेवढे अतिक्रमण क्षेत्र नियमानुकूल करण्यास अनुज्ञेय आहे तेवढेच क्षेत्र क्षेत्रातील अतिक्रमणे तुकडे जोड आणि तुकडे बंदी अधिनियम, १९४८ च्या तरतुदीचा भंग होत असला तरीही नियमानुकूल करण्यात यावे.

७. या निर्णयाप्रमाणे अतिक्रमणे नियमानुकूल करण्याबाबतची कार्यवाही दिनांक ३१ मार्च, १९९२ पर्यंत पूर्ण करावयाची असल्यामुळे महसूल संहितेच्या कलम ५१ खाली जिल्हाधिकाऱ्यांना असलेले अधिकार संबंधित तहसिलदारांना प्रदान करणे आवश्यक आहे. यासाठी महाराष्ट्र-जमीन-महसूल अधिनियम, १९६६ च्या कलम ३३०-अ अन्वये प्राप्त झालेल्या अधिकारांचा वापर करून, मुंबई आणि मुंबई उपनगर जिल्ह्यांचे जिल्हाधिकारी खेरीज करून, सर्व जिल्हाधिकाऱ्यांनी कलम ५१ खालील अतिक्रमणे नियमानुकूल करण्याबाबत त्यांना असलेले अधिकार त्यांच्या अधिपत्याखालील संबंधित तालुक्यांच्या तहसिलदारांना खालील निबंध किंवा अटींना अधीन राहून प्रत्यायोजित करण्यास शासन याद्वारे अनुमती देत आहे :—

“संबंधित तहसिलदारांनी वापरावयाचे अधिकार हे फक्त या शासन निर्णयाद्वारे नियमानुकूल करावयाच्या व परिच्छेद १ मध्ये नमूद केल्याप्रमाणे शासनाकडे कळविलेल्या प्रकरणांमुळेच वापरावयाचे आहेत.”

(या प्रकरणी महाराष्ट्र शासन राजपत्रात जिल्हाधिकाऱ्यांनी प्रसिद्ध करावयाच्या अधिसूचनेचा नमुना-या शासन निर्णयासोबत परिशिष्ट “कौल” येथे जोडला आहे.)

८. या निर्णयाप्रमाणे ज्या व्यक्तींची अतिक्रमणे नियमानुकूल करण्यास पात्र ठरणार नाहीत त्यांची अतिक्रमणे तात्काळ दूर करण्यात यावीत. तसेच महसूल अधिकाऱ्यांनी यापुढे अतिशय जागरूक राहून नवीन अतिक्रमणे होणार नाहीत याबाबत दक्षता घ्यावी.

९. शासकीय पड आणि गाथेरान जमिनीचे अतिक्रमणापासून संरक्षण करण्याची जबाबदारी ग्रामपंचायतीवर सोपविण्याचा शासनाने निर्णय घेतलेला आहे. अशा जमिनींचा बनीकरणासाठी आणि इतर सार्वजनिक प्रयोजनासाठी, म्हणजे गावठाण विस्तार, इंदिरा आवास योजना, स्मशान/दफन भूमी आणि सौधणिक तसेच इतर संस्थांना विनशेती प्रयोजनार्थ प्रदान करण्यासाठी जहरीप्रमाणे उपयोग करण्यात यावी.

१०. वर परिच्छेद १ मध्ये नमूद केल्या प्रमाणे, सर्व जिल्हाधिकाऱ्यांकडे दिनांक १ एप्रिल, १९७८ ते १४ एप्रिल, १९९० या काळात अतिक्रमण केलेल्या व्यक्तींची संपूर्ण यादी तयार केलेली आहे अशी धारणा आहे. यारतक, त्या यादीमध्ये समाविष्ट केलेल्या व्यक्तींच्या बाबतीतच या निर्णयाप्रमाणे अतिक्रमणे नियमानुकूल करण्यात यावीत. असे शासनाचे निदेश आहेत. वर परिच्छेद ७ मध्ये नमूद केल्या प्रमाणे जिल्हाधिकाऱ्यांकडे उपलब्ध असलेल्या यादीच्या बाहेर एखाद्या व्यक्तीने या निर्णयाप्रमाणे पात्रतेचा हक्क सांगितल्यास, त्याबाबत जमिनीच्या वहिवाटीबद्दल ज्या प्रमाणे चौकशी करण्यात येते त्याच पद्धतीने उप विभागीय अधिकाऱ्यांनी चौकशी करावी. चौकशीअंती अशी व्यक्ती अतिक्रमण नियमानुकूल करण्यास पात्र आढळल्यास जिल्हाधिकाऱ्यांकडे त्याचे प्रकरण आदेशाकरिता पाठविण्यात यावे आणि जिल्हाधिकाऱ्यांनी मान्यता दिल्यानंतरच अशा व्यक्तीला या निर्णयातील आदेशाप्रमाणे अतिक्रमण नियमानुकूल करण्यास पात्र ठरविण्यात येवून त्याच्या प्रकरणी पुढील कार्यवाही करण्यात यावी.

११. शासनाच्या या आदेशाची अंमलबजावणी एक समयबद्ध कार्यक्रम आखून दिनांक ३१ मार्च, १९९२ पर्यंत पूर्ण करण्यात यावी असेही शासनाचे आदेश आहेत. यास्तव, विभागीय आयुक्त/जिल्हाधिकारी यांना असे निदेश देण्यात येत आहेत की, त्यांनी हा कार्यक्रम निश्चित वेळेत पूर्ण करण्याच्या दृष्टीने सर्व तहसिलदारांना योग्य अशा अतिरिक्त सूचना द्याव्यात. शिवाय विभागीय आयुक्त/जिल्हाधिकारी यांनी प्रत्येक महिन्यात होणाऱ्या महसूल अधिकाऱ्यांच्या बैठकीच्या वेळी या निर्णयाप्रमाणे केलेल्या कार्यवाहीच्या प्रगतीचा आढावा घ्यावा. तसेच ते ज्या ज्या वेळी जिल्ह्यात दोर करतील त्या त्या वेळी या निर्णयाप्रमाणे अंमलबजावणी होते किंवा कसे याची त्यांनी खात्री करावी.

१२. भूमि अभिलेख विभागाच्या अधिकाऱ्यांना या आदेशाद्वारे शासन पुढे असेही निर्देश देत आहे की, त्या विभागाच्या अधिकाऱ्यांनी जमिनीचे सीमांकन करणे, जमिनीची आकारणी निश्चित करणे, नकाशा तयार करणे, क्षेत्र ठरविणे, इत्यादी बाबींमध्ये महसूल अधिकाऱ्यांना योग्य ते सहकार्य देऊन त्यांना मदत करावी, जेणेकरून जमिनीवरील अतिक्रमणे नियमानुकूल करण्याबाबतची प्रकरणे जिल्हाधिकाऱ्यांना शीघ्रतेने हाताळता येतील आणि जी अतिक्रमणे नियमानुकूल करण्यास पाव ठरतील त्यांना जमीन प्रदानाचे आदेश/सनदा देणे महसूल अधिकाऱ्यांना शक्य होईल.

१३. या आदेशाप्रमाणे नियमानुकूल करावयाच्या प्रकरणाबाबत दिनांक २७ डिसेंबर १९७८ च्या शासन निर्णयाअन्वये विहित केलेली कार्यपद्धती अनुसरण्यात यावी व त्याप्रमाणे विहित केलेल्या विविध नमुन्यांत माहिती संकलित करून ती संबंधित जिल्हाधिकाऱ्यांनी/क्षेत्रीय अधिकाऱ्यांनी ठेवावी. त्याचप्रमाणे सदर दिनांक २७ डिसेंबर, १९७८ च्या शासन निर्णयासोबत जोडलेल्या परिशिष्ट "ब" मध्ये दिलेल्या सूचनांमध्ये आवश्यक तो फेरफार करून त्या निर्णयाप्रमाणे नियमानुकूल करावयाची प्रकरणे हाताळण्यात यावीत (तात्काळ संदर्भासाठी दिनांक २७ डिसेंबर, १९७८ च्या शासन निर्णयाची व त्याच्या सहपत्रांची प्रत परिशिष्ट "तीन" येथे जोडली आहे.)

१४. सदर शासन निर्णय, ग्रामविकास विभागाच्या आणि वित्त विभागाच्या अनौपचारिक संदर्भ क्र. सीआर-८६०/९१/व्यय-९, दिनांक २२ नोव्हेंबर, १९९१ अन्वये दिलेल्या सहमतीनुसार निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

रा. गो. वर्तक,

उप सचिव, महाराष्ट्र शासन,
महसूल व वन विभाग.

प्रति

- (१) सर्व विभागीय आयुक्त,
- (२) प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर,
- (३) संचालक, सामाजिक वनीकरण, महाराष्ट्र राज्य, पुणे,
- (४) जमाबंदी आयुक्त व संचालक, भूमि अभिलेख, महाराष्ट्र राज्य, पुणे,
- (५) सर्व जिल्हाधिकारी,
- (६) उप संचालक, भूमि अभिलेख, नागपूर, औरंगाबाद, पुणे आणि मुंबई,
- (७) सर्व उप विभागीय अधिकारी,
- (८) सर्व विभागीय वन अधिकारी आणि उप विभागीय वन अधिकारी,
- (९) सर्व तहसिलदार,
- (१०) सर्व जिल्हा निरीक्षक भूमि अभिलेख,
- (११) मुख्य संचालक, माहिती आणि जनसंपर्क संचालनालय, मंत्रालय, मुंबई,
- (१२) महालेखापाल, महाराष्ट्र-१, मुंबई,
- (१३) महालेखापाल, महाराष्ट्र-२, नागपूर,
- (१४) ग्रामविकास विभाग, मंत्रालय, मुंबई,
- (१५) कृषि व पशुसंवर्धन, दुग्ध विकास व मत्स्यव्यवसाय विभाग, मंत्रालय, मुंबई,
- (१६) नगरविकास विभाग, मंत्रालय, मुंबई,
- (१७) वित्त विभाग (व्यय-९), मंत्रालय, मुंबई,
- (१८) नियोजन विभाग, मंत्रालय, मुंबई,
- (१९) इतर सर्व मंत्रालयीन विभाग,
- (२०) राज्यमंत्री (महसूल) यांचे स्वीय सहाय्यक,
- (२१) मंत्री (महसूल) यांचे स्वीय सहाय्यक,
- (२२) प्रधान सचिव (महसूल) यांचे स्वीय सहाय्यक,
- (२३) सचिव (वन) यांचे स्वीय सहाय्यक,
- (२४) महसूल विभागातील सर्व सहसचिव/उप सचिव व नियंत्रण अधिकारी,
- (२५) फ-३ कार्यासन, महसूल व वन विभाग,
- (२६) इतर सर्व कार्यासने, महसूल व वन विभाग,
- (२७) ज-१ कार्यासन, महसूल व वन विभाग (निवड तस्ती).

परिशिष्ट एक

(शा. नि. म. व. वि. क्रमांक एलडूएन १०९०/प्र. क्र. १७२/ज-१ दिनांक २८ नोव्हेंबर १९९१ चे सहपत्र)

दिनांक १ एप्रिल १९७८ पासून शेतीसाठी शासकीय पड जमीन व गायरान जमिनीवर झालेली व

दिनांक १४ एप्रिल, १९९० रोजी अस्तित्वात असलेल्या अतिक्रमणाबाबतचा तपशील

जिल्ह्याचे नाव	मागासवर्गीय व्यक्ती	इतर व्यक्ती	एकूण व्यक्ती	अतिक्रमणाखालील पड जमिनी (क्षेत्र) हेक्टर वार	अतिक्रमणा खालील गायरान जमीन (क्षेत्र) हेक्टर वार	अतिक्रमणा-खालील एकूण क्षेत्र हेक्टर वार
१	२	३	४	५	६	७
कोकण विभाग						
(१) मुंबई						
(२) मुंबई उपनगर जिल्हा						
(३) ठाणे	११०१	१२२०	२३२१	८००.३७	२८८.१८	१०८८.५५
(४) रायगड	९०	४०९	४९९	३०५.०९	५०.६८	३५५.७७
(५) रत्नागिरी		५	५	०.८०		०.८०
(६) सिंधुदुर्ग	३४	३९२	४२६	५९६.६२		५९६.६२
एकूण	१२२५	२०२६	३२५१	१७०२.८८	३३८.८६	२०४१.७४
नाशिक विभाग						
(७) नाशिक	१११	७५	१८६	१४७.८२	१०९.७३	२५७.५५
(८) धुळे	२०६९	६१३	२६८२	२९००.४०	२४७७.३१	५३७७.७१
(९) जळगांव	१०७६	७५५	१७९१	४५५.८६	१५४५.५८	२००१.४४
(१०) अहमदनगर	३२४	२४९	५७३	५१७.२२	४०६.६९	९२३.९१
एकूण	३५८०	१६५२	५२३२	४०२१.३०	४५३९.३१	८५६०.६१
पुणे विभाग						
(११) पुणे	६९	३७६	४४५	१६४.७२	५५.४७	२२०.१९
(१२) सोलापूर	५१	४८	९९	६४.४९	७४.७७	१३९.२६
(१३) सातारा	७१	४४१	५१२	६९४.२८	२.९६	६९७.२४
(१४) सांगली		१३	१३		८.३८	८.३८
(१५) कोल्हापूर	१२	१६१	१७३	९.१२	१४.६३	२३.७५
एकूण	२०३	१०३९	१२४२	९३२.६१	१५६.२१	१०८८.८२
नागपूर विभाग						
(१६) नागपूर	३११	१९२	५०३	३४०.५२	१९६.९२	५३७.४४
(१७) वर्धा	३१५	५१४	८२९	४०८.४४	२४६.३३	६५४.७७
(१८) चंद्रपूर	११११९	९१८७	२०३०६	१८१५०.००	२६३३९.०८	४४४८९.०८
(१९) गडचिरोली	३६९८	३०३६	६७३४	३२९५.६७	२११३.२५	५४०८.९२
(२०) भंडारा	४७२९	७९३८	१२६६७	२७२३.०६	३१८१.२७	५९०४.३३
एकूण	२०१७२	२०८६७	४१०३९	२४९१७.६९	३२०७६.८५	५६९९४.५४
अमरावती विभाग						
(२१) अमरावती	१०२८	१२०	११४८		१६१४.६८	१६१४.६८
(२२) अकोला	१६४३	१९९	१७७२	१५३.८१	१६०७.४९	१७६१.३०
(२३) यवतमाळ	१३५०	३६८	१७१८	९१.८१	२५१७.४२	२६०९.२३
(२४) बुलढाणा	४३२६	५६४	४८९०	५१२.०९	४८३०.४६	५३४२.५५
एकूण	८३४७	११८१	९५२८	७५७.७१	१०५७०.०५	११३२७.७६

परिशिष्ट एक—चालू

जिल्ह्याचे नाव	मागासवर्गीय व्यक्ती	इतर व्यक्ती	एकूण व्यक्ती	अतिक्रमणाखालील पड जमिनी (क्षेत्र) हेक्टर आर	अतिक्रमणाखालील गायरान जमीन (क्षेत्र) हेक्टर आर	अतिक्रमणाखालील एकूण क्षेत्र हेक्टर आर
१	२	३	४	५	६	७
औरंगाबाद विभाग						
(२५) औरंगाबाद	३३२१	१०३७	४३५८	२६.३७	४५३३.५५	४५५९.९२
(२६) बीड	१९३२	१०६	२०३८		२४०५.७४	२४०५.७४
(२७) नांदेड	७६५१	२१२५	९७७६		१२९८९.०४	१२९८९.०४
(२८) परभणी	३४८९	४३८	३९२७		४६०१.५६	४६०१.५६
(२९) उस्मानाबाद	९५	१८	११३	१.१७	१११.१४	११२.३१
(३०) जालना	२१०७	०२२६	२३३३		२६५८.५०	२६५८.५०
(३१) लातूर	१२५७	१३६	१३९३		१५७५.००	१५७५.००
एकूण	१९८५२	४०८६	२३९३८	२७.५४	२८८७४.५३	२८९०२.०७
अंतिम-एकूण	५३३७९	३०८५१	८४२३०	३२३५९.७३	७६५५५.८१	१०८९१५.५४

परिशिष्ट दोन

[शासन निर्णय, महसूल व वन विभाग, क. एलएन-१०९०/प्र.क्र. १७२/अ-१, दिनांक २८-११-९१ चे सहपत्र]

[To be Published by the Collector in the *Maharashtra Government Gazette-Extraordinary*]

NOTIFICATION

Office of the Collector of

Dated the

MAHARASHTRA LAND REVENUE CODE, 1966.

No. —In exercise of the powers conferred by Section 330-A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) (hereinafter referred to as "the said Code"), I, Collector of hereby with the approval of the State Government, direct that with effect from the date of publication of this notification in the *Official Gazette*, the powers of the Collector regarding regularisation of encroachments conferred by Section 51 of the said Code shall be exercisable also by a Tahsildar within the limits of his jurisdiction, in the district, subject to the condition that the exercise of such powers by a Tahsildar shall be restricted to the cases of encroachments to be dealt within accordance with Government Resolution, Revenue and Forests Department, No. LEN-1090/CR-172/I-1, dated the 28th November 1991.

Collector of.....

परिशिष्ट तीन

(शासन निर्णय, महसूल व वन विभाग, क्रमांक एलईएन १०९०/प्र. क. १७२/ज-१, दिनांक २४-११-१९९१ चे सहपत्र)

Encroachments

Regularisation of—made on Government waste lands, Gairan lands and Forest lands for cultivation.

GOVERNMENT OF MAHARASHTRA

REVENUE AND FORESTS DEPARTMENT

Government Resolution No. LEN-1078/3483-GI

Mantralaya, Bombay 400 032, dated 27th December 1978

Read.—Government Resolution, No. LEN-1069/23477-A-II, dated 14th August 1972.

Government Resolution, Agriculture and Forests Department, No. FLD-4860/25760-E, dated 3rd September 1960 (as amended from time to time).

Government Resolution, Agriculture and Forests Department, No. FLD-4861/20878-E, dated 1st September 1961 (as amended).

RESOLUTION —

Orders were issued in the past for regularisation of encroachments on Government waste lands, Revenue forest lands, Forest lands in charge of Forest Department (in Nasik and Thane Districts) and gairans, made for cultivation, subject to certain terms and conditions. Accordingly, action has been taken by the Officers of the Forest Department and of the Revenue Department to regularise these encroachments. In a number of such cases, however, the encroachments are yet to be dealt with according to those orders. Besides, new encroachments have also taken place. In most of these cases the encroachers belong to Backward Classes or economically weaker sections of the community. Government have, therefore, decided that all the subsisting encroachments on Government lands (including Forest lands) which were existing on 31st March 1978 should be regularised and for that purpose is pleased to direct, in exercise of its powers under section 40 of the Maharashtra Land Revenue Code, 1966 and all other powers enabling it in that behalf, as under.

2. *Eligibility for regularisation.*—All subsisting encroachments on Government waste lands, gairan lands, Revenue forest lands and Forest lands in charge of the Forest Department made for cultivation, which existed on 31st March 1978 should be regularised. Provided,—

(i) the encroacher is,—

(a) a person belonging to Backward Class, that is Scheduled Castes, Scheduled Tribes, Nomadic Tribes, Vimukta Jatis or Neo-Budhist, or

(b) a person whose total annual income including the income of members of his family *does not* exceed Rs. 3,600.

Note.—In most cases encroachers belong to Backward Classes as mentioned above, which constitute economically weaker sections of the community. In very few cases, if at all, such an encroacher is likely to have annual income of more than Rs. 3600 in spite of his falling within the total holding limit. In view of this, in the interest of speedy disposal of regularisation work, it has not been considered necessary to specifically impose the income condition in respect of encroachers of Backward Classes (other than Other Backward Classes). However, if in any case the Collector considers that regularisation of encroachments would *not* be desirable or advisable on account of the fact that the encroacher is affluent or well-to-do, he may refer the case to Government for orders.

(ii) the usual place of residence of the encroacher is within the radius of 8 kilo-meters from the land encroached upon ;

(iii) the encroacher is a landless person or the total land lawfully held by him in any capacity is less than 2 hectares of jirayat land ;

and

(iv) The encroachment to the extent of an area equal to 2 hectares of jirayat land shall only be regularised. Where the encroacher is holding some jirayat land either as owner or in any other capacity, the regularisation shall be limited to such area as would bring his such total holding equal to 2 hectares of jirayat land.

3. *Encroachments basically ineligible.*—The following encroachments shall *not in any case* be regularised,—
- (a) Encroachments made after 31st March 1978 ;
 - (b) Encroachments in areas along the border of this State made by persons domiciled in other States.

Note.—In border areas the encroacher whose name does not appear in the Voters List of the last Assembly Election should be deemed to be a person belonging to other State, unless he proves otherwise.

4. *Encroachments on Forest Lands.*—The encroachments made in the midst of the forest or on forest lands with more than 10 per cent gradient should not be regularised though otherwise eligible. The encroachers on such land should, however, be allowed to remain on the encroached land only to the extent of the area to the regularisation of which they are otherwise eligible till they are provided alternate land to the permissible extent. Suitable alternate land should be found out from other encroachments not eligible for regularisation, or from the areas on the fringe of the forest. The suitability of the alternate land for cultivation proposed to be brought under cultivation for the first time should be decided in consultation with the Block Agricultural Officers concerned and the land so decided should be granted to the encroacher to the extent to which they are found otherwise eligible for regularisation of encroachments.

5. *Land in Metropolitan Region.*—Encroachments on lands in any Metropolitan Region established under the Maharashtra Regional and Town Planning Act, 1966 shall not be regularised except with the previous approval of the State Government.

6. *Disforestation.*—The Forest land (including Revenue forest land), the encroachments on which are to be regularised or to which the encroachers are to be shifted, should be disforested.

7. *Gairan land.*—The gairan lands, the encroachments on which are eligible for regularisation should be resumed to Government by the Collectors under section 51 of the Bombay Village Panchayats Act, 1958.

8. *Fragment.*—In case the land encroached upon is a fragment (i. e. less than the standard area fixed under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1948) and the encroacher is found entitled to regularisation of encroachment as per the fore-going orders, the encroachments should be regularised in the following cases by granting additional Government land, wherever necessary to make the area equal to the standard area :—

- (a) The encroacher holds other land of his own which is contiguous to such a fragment—In such a case the encroached area would merge with the other land of the encroacher and therefore, the question of creation of fragment would not arise.
- (b) The encroached fragment is separated from the other land of the encroacher only by a strip of *uncultivable* Government land—In such a case the entire land i. e. the encroached portion and the intervening strip of Government land should be given to the encroacher (subject to other conditions) to avoid creation of a fragment.
- (c) Adequate Government land is available adjacent to the encroached fragment and the encroacher is *not* having any other land of his own—In such a case encroacher be granted so much land as would together with encroached area make up the standard area.
- (d) The encroacher holds some land of his own but away from the encroached fragment and adequate Government land is available adjacent to the encroached fragment—The encroacher be given Government land (in addition to encroached fragment) to make up the standard area *only if* the encroached fragment is not less than 40% of the standard area.

In all other cases of encroached fragments, the encroachment should be removed.

9. There may also be some cases in which the encroacher, having regard to the other land held by him, may be found eligible to get only a part of the encroached area (situated away from the other land held by him). If the area which he is thus entitled to get is less than the standard area, regularisation of encroachment would not be possible. This will be clear from the following example (the data wherein is hypothetical) —

(i) Encroached area	...	...	1 hectare
(ii) Other land held by the encroacher	...	...	1.3 hectare
(iii) The area eligible for regularisation	...	...	0.7 hectare
(iv) The standard area	...	...	0.8 hectare

In this case if *additional* area of 10 Ares is granted the creation of fragment would be avoided. In such cases, therefore, the encroachment may be regularised by granting, where necessary, additional area *not* exceeding 10 Ares. In other cases wherein the additional area of encroachment required for regularisation exceeds 10 Ares the encroachment should not be regularised.

10. *Removal of ineligible encroachments.*—The encroachments or parts thereof not eligible for regularisation according to the foregoing orders should be removed forthwith. The Officers of Revenue Department and Forests Department should henceforth be vigilant and should not allow any fresh encroachment. Any laxity in this behalf will be viewed seriously.

11. These orders apply to all the subsisting encroachments. The Scheme envisaged in these orders should be implemented as per the Time-bound programme given in Annexure 'A' and in the light of the instructions given in Annexure 'B'. The Officers concerned should however, feel free to deviate *marginally* from these instructions, provided they are thereby able to implement the Scheme better, more speedily and without any confusion. The listing of the encroachments as stipulated in the instructions should not, however, be dispensed with.

By order and in the name of the Governor of Maharashtra,

C. K. SHIDHAYE,

Under Secretary to Government.

G.R., R. & F.D., No. LEN-1078/3483-G-1,
dated the 27th December 1978.

To

All Commissioners,
The Chief Conservator of Forests, Pune,
The Settlement Commissioner and Director of Land Records, Pune,
All Collectors of Districts,
All Territorial Conservators of Forests,
The Deputy Directors of Land Records, Nagpur, Aurangabad, Pune and Bombay,
All Sub-Divisional Officers,
All Divisional Forests Officers and Sub-Divisional Forests Officers of independent sub-Divisions,
All Tahsildars,
All District Inspectors of Land Records,
The Chief Director of Information and Public Relations,
The Rural Development Department, the Agriculture and Co-operation Department/the Urban Development & Public Health Department,
The F-3 Desk of Revenue and Forests Department,
All Other Desks of Revenue and Forests Department,
All Officers of Revenue and Forests Department. No.

of 1978.

Copy forwarded for information and guidance to—

**ACCOMPANIMENTS TO GOVERNMENT RESOLUTION, REVENUE AND FORESTS DEPARTMENT,
No. LEN-1078/3483—GI, DATED 27TH DECEMBER 1978**

ANNEXURE 'A'

Time-bound programme for regularisation of encroachments

Stage (1)	Time limit (2)	By Revenue Department (3)	By Forest Department (4)
I. Preparation of list of all subsisting encroachments made prior to 1st April 1978.	20th January 1979.	For — (i) Government Waste (ii) Revenue Forest land (iii) Gairan land.	For Forest land.
I.A. Preparation of list of encroachments from I above in case of :— (i) Encroachments in the midst of forest. (ii) Encroachments on land with more than 10% gradient.		Nil.	For Forest land.
II. Determination of the eligibility and extent of land admissible with reference to :— (i) the other lands lawfully held by encroacher. (ii) the place of residence. (iii) Income wherever necessary.	20th February 1979.	For all lands including land.	
III. (a) Provisional measurement. (b) Adhoc Demarcation. (c) Fixation of provisional Land Revenue on adhoc basis. (d) Formal handing of forest lands to Revenue Department for regularisation of encroachment.	15th March 1979.	(a) & (b) for lands at (i), (ii) and (iii) above. (c) for lands at (i), (ii) and (iii) above and also for forests land.	(a) For & Forest (b) land. (d) for Forests land.
IV. Issue of order of regularisation and grant of Sanads with provisional details of land and assesment.	31st March 1979.	For all lands including forest land.	.....
V. Completion of final measurement and levy of assesment as also correction of sanads accordingly.	31st May 1979	For all lands with the help of Survey and Settlement Department.	

ANNEXURE 'B'

INSTRUCTIONS

1. (i) These orders relate to encroachments which satisfy both the following criteria, viz:—

(a) the encroachment is at present subsisting ;

and

(b) the encroachment existed on 31st March 1978.

Essentially, the decision is regarding regularisation (as distinct from grant), and if there is no subsisting encroachment, there can be no regularisation. The question of regularising earlier encroachments which have ceased to exist should not therefore arise.

The earlier encroachment which are still subsisting should now be dealt with according to the present orders and not as per similar decisions in the past which were *not* implemented in their cases.

Stage I.

(ii) As a first step for implementing these decisions all continuing encroachments made prior to 1st April 1978 and subsisting should be *listed. The Forests Department should list such encroachments on forest land and the Revenue Department should separately list such encroachments made on—

(a) Government waste land,

(b) Grazing lands,

(c) Forest lands in charge of Revenue Department.

These lists should be prepared villagewise. In addition, the Forest Department should prepare @list of subsisting encroachments made in the midst of the forest or on forest land with more than 10 per cent gradient which are not eligible for regularisation though otherwise eligible according to the above criteria.

(iii) It is true that in 'kharif' areas no encroacher could be in physical possession of land on 31st March 1978 when kharif season of 1977-78 was over. But if he had encroached on the land in the kharif season of 1977-78 as also in the kharif season of 1978-79, the circumstantial evidence is clearly and logically in favour of the view that he was an encroacher on 31st March 1978 and his encroachment has continued and is subsisting. He is thus eligible for regularisation upto the permissible extent provided he is otherwise entitled.

(iv) In deciding the factum of encroachment as on 31st March, 1978 and its subsistence, all evidence (of every relevant sort) on record as also the evidence which the encroacher may be in a position to produce should be relied upon and recorded. The encroacher should be given an opportunity to produce his evidence for the purpose. Normally entries in the 'Pik Pahani Patrak' would form the basic evidence of encroachment. However in those cases where her sufficient evidence is available to establish the fact of encroachment, absence of entry in 'Pik Pahani Patrak' need not disqualify the encroacher for getting his encroachment regularised under this scheme.

(v) In the areas along the border of the State the subsisting encroachments made by persons belonging to other States should *not* be considered eligible for regularisation even though they may be of the relevant period. To weed out such encroachers only those encroachers (or their heirs) whose name appeared in the voters' list of the relevant Assembly Constituency followed in the last General Election should be considered as the persons belonging to this State.

Land in Metropolitan Region

(v-a) Encroachments on lands in any Metropolitan Region established under the Maharashtra Regional and Town Planning Act, 1966 should *not* be regularised except with the previous approval of Government. Proposals in that behalf should be restricted to "No Development Zones" or "Green Zones" and should be accompanied by the opinion of the Development Authority.

(vi) Such of the subsisting encroachments as are not included in the list prepared as per (ii) above (as they were found to have been made after 31st March 1978) should be separately * listed so that these lists together would record all the subsisting encroachments and it would be easier to detect and evict encroachments made after 31st March 1978. While preparing the lists utmost care to cover all encroachments correctly and thoroughly should be taken. Copies of the lists of subsisting encroachments which existed on 31st March 1978 should be sent to the District Collector

and Divisional Commissioner by the Tahsildar in case of Government lands, Revenue Forest lands and grazing, lands and to the Conservator of Forests and Chief Conservator of Forests by the Divisional Forests officers in case of forest lands. One copy of the list of subsisting encroachments which existed on 31st March 1978 should be displayed in Tahsildars' and Range Forest Officers' Offices for public information.

The work of these lists should be completed by the 20th January 1979.

Stage II

(vii) As soon as these lists are completed and the lists of subsisting encroachments found eligible for consideration of their regularisation is thus available, the work of deciding eligibility of encroacher appearing in that list and the extent of encroachment entitled for regularisation should be taken in hand with reference to the relevant factors, viz. other lands lawfully held by the encroachers, income limit of Rs. 3,600 p.a. in case of persons other than those belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis, Neo-Budhists and Nomadic Tribes and the distance of the usual residence of the encroachers. This work should be done by the Revenue Department for encroached forest lands also. A list of eligible encroachers and the extent of area upto which regularisation is permissible according found out should then be prepared. Similarly list of encroachers who are found ineligible should be prepared. This work, should be completed by the 20th February 1979.

In case of fragments to be dealt with in accordance with the para 8 of the Government Resolution, the question whether the encroachment on fragment can be regularised and whether the encroacher is required to be granted additional area and is entitled to get it as stipulated in the aforesaid para, should be decided along with deciding his eligibility to get the encroachment regularised.

Similarly the extent of area of encroached land that would have been admissible to the encroachers on the forest lands (in the midst of the forest or with more than 10 per cent gradient) if their encroachments were to be regularised, should also be determined simultaneously.

Stage III

(viii) Thereafter the work of provisional measurement of area which is found entitled for regularisation and its provisional demarcation should be done by the Forests Department for forest lands and that Department should then formally hand over possession of those lands to Revenue Department for further action regarding regularisation of encroachment. In the meantime, the Revenue Department should complete the work of provisional measurement and provisional demarcation of other encroached lands entitled for regularisation. Adhoc assessment of all these lands (including forest land) should also be done by the Revenue Department simultaneously.

For the purposes of indentifying unsurveyed encroached lands the following procedure may be followed :—

(1) If the land encroached upon is unsurveyed and consequently does not bear a survey number, it should be provisionally assigned the number consecutive to the last survey number of the revenue village to which the land would go.

(2) If the land encroached upon bears a survey number it should be provisionally assigned the number consecutive to the number of the last sub-division of that survey number.

Rough sketch of these lands should then be prepared.

(ix) All this should be completed by the 15th March 1979. For that purpose the Forests Department ought to complete its work of demarcation etc. well in time to permit the Revenue Department to complete the subsequent work of provisional assessment etc. within the prescribed time.

Stage IV

(x) In the fortnight's period between the 15th March 1979, and the 31st March 1979, the Revenue Department must issue orders for regularisation of encroachments on all the eligible lands and grant Sanads to the encroachers, showing therein the area of the land and the provisional measurement and rough sketch of the land as also provisional assessment, subject to correction, in area as well as assessment after final measurement, demarcation and fixation of land revenue. It is of utmost importance to finish all this work by the 31st March 1979 so that the holders of the land can raise institutional finance required for cultivation of these lands in the next season.

Stage V

(xi) Thereafter the work of final measurement, demarcation, preparation of Maps and fixation of land revenue as also that of correcting the Sanads (earlier granted) accordingly should be completed within a period of two months i.e. by the 31st May 1979 with the help of Land Records Department. The forests Department should then disforest the lands already handed over to the Revenue Department and formally transfer them to that Department. It should also, similarly disforest the lands of Revenue Forests where the encroachments are regularised.

(xii) In regard to the grant of alternative land to the encroachers on the lands in the midst of the forest as also on forest lands with more than 10 per cent gradient whose encroachments are not to be regularised but are to be suffered to the admissible extent till they are granted alternative lands, it is not feasible nor necessary to lay down a time-bound programme. Nevertheless, it is necessary to settle them quickly on alternative lands so that they can raise loans required for bringing the land under cultivation and cultivate the land properly. The Forest Department should, therefore, quickly decide the alternative lands to be granted to them according to their eligibility, either from out of other encroachments which cannot be regularised or from out of the forest lands on the fringe. In such cases, it is necessary to make sure that the encroachers get lands that can be brought under cultivation. Therefore, the suitability of the land should be decided in consultation with the Block Agricultural Officer concerned. As soon as the alternative lands are decided upon they should be transferred to the Revenue Department, after due measurement and demarcation for granting the same to the eligible encroachers to the extent admissible to them on grant of the alternative land, the concerned encroachments should be totally removed.

2. Where the encroached area is a fragment, its regularisation should be governed by paragraph 8 of the Government Resolution. If such fragments are contiguous to the encroacher's other land there should be no problem. If such encroached fragment is separated from the encroacher's other land only by strip of Government land which is uncultivable, it is clear that the encroacher had intention to encroach upon Government land contiguous to his own land; but had to avoid the intervening strip only because it was uncultivable. In such cases the intervening strips of Government land should also be granted to him, so that the encroached fragment can merge in his holding.

Where the encroached fragment is away from the encroacher's other land and there is sufficient Government land available, it may be granted to him to make up the standard area. But the encroached fragments which are less than 40 per cent of the standard area should not be eligible for such treatment. In case, however, the encroacher is totally landless and has no land of his own, he may be granted adjoining Government land if any to make up the standard area, irrespective of the size of his encroached fragment.

3. If only a portion of the encroachment is found eligible for regularisation and that portion is only marginally less than the standard area, the remaining encroachment should also be eligible for regularisation upto maximum extent of 10 Ares, if that would avoid creation of fragment. In all other such cases the encroachment should be removed.

4. In cases of gairan, they will have to be resumed to Government before final action regarding grant of the Sanads.

5. While all this is being done, it is necessary to bear in mind that the Government decision is also to prevent any encroachment in future. The Forest Officers and Revenue Officers should hereafter be vigilant and take care to ensure that no fresh encroachment takes place, and if any is detected, to remove the same promptly and thoroughly. Any laxity in this regard should be viewed seriously by all concerned. So also, such of the subsisting encroachments as are not found eligible for regularisation, should be removed quickly.

FORM OF LIST 'A'

SUBSISTING ENCROACHMENTS EXISTING ON 31st MARCH 1978

Village: Taluka: District:

Serial No.	Name of Encroacher	Place of Residence	*Community	Date/Duration of Encroachment	Details about Encroached Land				Whether cultivated/Steps taken to cultivate		Nature of documentary evidence available	Remark
					Estimated Area (Hectares)	Location (Survey No. village or Block/compartment as the case may be)	If gradient is more than 10 %	If situated in midst of forest	In 1977 Kharif Season	In 1978 Kharif Season		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

*Note.—i.e. whether the encroacher belongs to Scheduled Caste, Scheduled Tribes, Nomadic Tribes, Vimukta Jatis, NeoBuddhist or any community other than the aforesaid communities.

FORM OF LIST 'B'

ENCROACHMENT BEING IN THE MIDST OF FOREST OR ABOVE 10% GRADIENT AND NOT ELIGIBLE FOR REGULARISATION

Village: Taluka: District:

Serial No.	Reference from List 'A'	Name	Residence	Estimated area (Hectares)	Details of Forest area		Remarks
					Gradient when over 10%	Situation when in the midst of Forest	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM OF LIST 'C'

LIST OF ELIGIBLE PERSONS

Village : Taluka : District :

Serial No.	Reference Number in list 'A'	Name	Other lands held		Annual income in case of persons other than persons belonging to the Scheduled Caste/ Scheduled Tribes/ Neo-Budhist/ Vimukta Jatis and Nomadic Tribes.	Distance of residence from encroached land	Extent of encroached land eligible for regularisation with reference to Columns 4, 5, 6 and 7 (Hectares)	Extent of encroached land not qualified for regularisation with reference to Columns 4, 5, 6 and 7 (Hectares)	Remarks
			Survey Number	Area (Hectares)					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM OF LIST 'D'

LIST OF INELIGIBLE PERSONS

Village : Taluka : District :

Serial No.	Reference Number in list 'A'	Name	Other land held		Annual income in case of persons other than Scheduled Castes/ Scheduled Tribes/ Neo-Budhist/ Vimukta Jatis and Nomadic Tribes.	Distance between the place of residence and encroached land	Reasons of ineligibility.	Remarks
			Survey Number	Area (Hectares)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM OF LIST 'E'

LIST OF SUBSISTING ENCROACHMENTS MADE AFTER 31ST MARCH 1978

Village : Taluka : District :

Serial No.	Name	Residence	Details of Encroachments			Remarks
			Date	Survey Number or Block/Compartment.	Area (Hectares)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Encroachments—

Regularisation of—made on Government waste lands, gairan lands and forest lands for cultivation.

**GOVERNMENT OF MAHARASHTRA
REVENUE AND FORESTS DEPARTMENT**

Government Resolution, No. LND-2779/2709-GI,
Mantralaya, Bombay 400 032, dated 18th December 1979

Read.—Government Resolution, Revenue and Forests Department No. LEN 1078/3483-GI, dated the 27th December 1978.

RESOLUTION

Government has carefully considered the difficulties that have been pointed out to it with reference to the instructions regarding regularisation of encroachments on an area less than the standard area contained in paragraph (8) and (9) of Government Resolution, Revenue and Forests Department No. LEN 1078/3483 GI, dated the 27th December, 1978 (hereinafter referred to as the said Government Resolution) and is pleased to direct as under —

2. Paragraph (8) and (9) of the said Government Resolution should be deleted and in their place, the following paragraphs should be inserted :—

Paragraph (8).—Even if the area encroached upon is less than the standard area prescribed for the concerned locality under the Prevention of Fragmentation and Consolidation of Holdings Act, 1948, encroachment on that much area alone should be regularised if it is found eligible for such regularisation under this resolution.

Paragraph (9).—If from out of the area under encroachment the encroacher is found eligible for regularisation of an area less than the standard area for the locality fixed under the aforesaid Act, his encroachment on that much area alone should be regularised.

3. The instructions contained in annexure ' b ' of the said Government Resolution should be deemed to have been amended in accordance with above amendments.

The cases of the encroachers who were denied the benefit of the Orders regarding regularisation contained in the said Government Resolution, only because of the instructions contained in paragraph (8) and (9) thereof as they stood prior to issue of these Orders, should be reopened and should be dealt with according to the revised orders.

By order and in the name of the Governor of Maharashtra,

V. L. DAMLE,
Additional Desk Officer,
Government of Maharashtra,
Revenue & Forests Department.

Government Resolution, Revenue and Forests Department,
No. LND-2779/2709-GI,
dated 18th December, 1979.

To

All Commissioners of Divisions,
The Chief Conservator of Forests, Maharashtra State, Pune,
The Settlement Commissioner and Director of Land Records, Maharashtra State, Pune.
All Collectors of Districts,
All Territorial Conservators of Forests.

The Deputy Director of Land Records, Nagpur, Aurangabad, Pune and Bombay,
All Sub-Divisional Officers,
All Divisional Forest Officers and Sub-Divisional Forest Officers of independent Sub-Divisions,
All Tahasildars,
All District Inspectors of Land Records,
The Chief Director of Information and Public Relations,
The Rural Development Department,
The Agriculture and Co-operation Department,
The Urban Development Department & Public Health Department,
The F-3 Desks of Revenue and Forests Department,
All Officers of Revenue and Forests Department,
All other Desk of Revenue and Forests Department.

No.

of 1979.

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